

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

STATE OF MISSOURI ex rel. ERIC S.
SCHMITT, Attorney General, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR.,
in his official capacity as President of the
United States, *et al.*,

Defendants.

No. 3:22-cv-01213-TAD-KDM

**PLAINTIFFS' CONSENT MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT
FOR THEIR REPLY BRIEF ADDRESSING THE FIFTH CIRCUIT'S
NONDISPOSITIVE ORDER**

Pursuant to the Local Rules of the U.S. District Court for the Western District of Louisiana, Plaintiffs respectfully request the Court's leave to file a 21-page reply to Defendants' response to Plaintiffs' supplemental brief addressing the Fifth Circuit's nondispositive order in mandamus proceedings. Counsel for Defendants have consented to this request.

In support, Plaintiffs state as follows: On November 21, 2022, the Fifth Circuit entered a nondispositive order directing this Court to "enter an order that addresses the availability of suitable alternative sources for the evidence sought in the proposed depositions" of Mr. Rob Flaherty, Ms. Jen Easterly, and Dr. Vivek Murthy. Doc. 121, at 4–5. In addition, the Fifth Circuit instructed this Court to address "whether further discovery should be paused until a ruling on a timely-filed motion by the Government to dismiss." *Id.* at 5. This Court directed the parties to file supplemental briefs addressing the Fifth Circuit's order. Doc. 127. The Court granted Plaintiffs

leave to file an overlength opening brief, Doc. 136, and Defendants leave to file an overlength response brief, Doc. 141. In order to provide a thorough reply to the arguments raised in Defendants' response brief, Plaintiffs have prepared a reply brief of 21 pages, which exceeds the usual page limit by 11 pages. *See* Local Rule 7.8.

Accordingly, Plaintiffs respectfully request leave to file a reply brief of 21 pages. Counsel for Defendants have consented to this request. The proposed brief is attached to this Motion.

Dated: December 5, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on December 5, 2022, I caused a true and correct copy of the foregoing to be filed by the Court's electronic filing system, to be served by operation of the Court's electronic filing system on counsel for all parties who have entered in the case.

/s/ D. John Sauer